

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11
Case No. 17-22445(RDD)

METRO NEWSPAPER ADVERTISING
SERVICES, INC.

Debtor.
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**AMENDED SCHEDULING AND PRE-TRIAL ORDER FOR
EVIDENTIARY HEARING IN CONTESTED PROCEEDINGS**

By order on May 2, 2017 (ECF No. 44), the Court scheduled an evidentiary hearing (the “Evidentiary Hearing”) on August 3 and 4, 2017, in connection with the Debtor’s Stay Violation Motion and tronc Inc.’s (“tronc”) Relief from Stay Motion (as defined in that order). On July 5, 2017, by consent of the Debtor and tronc, Debtor filed a Notice of Adjournment of Evidentiary Hearing, adjourning the Evidentiary Hearing to November 6, 2017 and (if necessary) November 7, 2017. (ECF No. 72). This Amended Order sets forth an amended schedule in light of such adjournment.

The parties (the Debtor and tronc) cannot further amend this order by stipulation or otherwise, and the Court will not amend it unless presented with (i) proof of cause beyond the control of the party seeking amendment and (ii) timely application as soon as possible after the party seeking amendment learns of the cause. **FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTION.** If delay or other act or omission of your adversary may result in a sanction against you, it is incumbent on you to promptly bring this matter to the Court for relief.

It is hereby ORDERED as follows:

1. The Debtor and any other party in interest shall file any response or objection to tronc’s Relief from Stay Motion on or before June 7, 2017 at 4:00 p.m., and both the Debtor and tronc reserve their rights to supplement their respective motions and responses or objections to the respective motions, including with evidence and memoranda of law in accordance with this Order.
2. All discovery shall be completed by October 4, 2017, unless the parties jointly agree to exceptions to this deadline and provided that no exception to this deadline will delay the scheduled evidentiary hearing. In the event of a dispute over discovery, the parties’ counsel shall promptly confer to attempt in good faith to resolve the dispute. If, notwithstanding their good faith efforts to do so, they are unable to resolve a discovery issue, they shall promptly inform the Court by letter of the nature of the dispute and request a telephonic discovery conference. At the conference, the Court will ask the parties about their prior efforts to resolve

the dispute.

3. The parties shall serve initial written discovery requests on or before June 14, 2017, and respond to such written discovery requests within 21 days of service. The parties, however, are not precluded from serving supplemental, written discovery requests (or third party subpoenas for documents) as needed during the development of discovery in this matter.
4. The parties may serve written discovery requests by e-mail to counsel, and e-mail service shall be deemed sufficient service.
5. The parties shall complete depositions, if any, by October 4, 2017.
6. In advance of the final pretrial conference, the parties shall have conferred and used their best efforts to agree on a joint exhibit book and shall have identified any exhibits whose admissibility is not agreed.
7. The parties shall exchange preliminary witness lists on or before September 15, 2017. The parties reserve the right to amend such witness lists, and shall, on or before October 23, 2017 provide a final witness list for purposes of final trial preparation.
8. On or before October 26, 2017, the parties shall (a) submit to chambers declarations under penalty of perjury or affidavits of their direct witnesses, who shall be present at trial for cross-examination and redirect, or have sought the Court's permission to examine direct witnesses at trial, (b) submit to chambers excerpts of deposition transcripts to be used as evidence at the hearing, and (c) submit to chambers the joint exhibit book referred to in paragraph 6 hereof.
9. The parties may file pre-hearing memoranda of law on or before November 1, 2017.
10. The Court will hold a final pretrial conference on October 26, 2017 at 10:00 A.M., at which time the parties must be prepared to proceed with the evidentiary hearing as scheduled.

Dated: White Plains, New York
July 13, 2017

/s/Robert D. Drain
Hon. Robert D. Drain
United States Bankruptcy Judge